

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. 10/801,999
Filing Date 03/15/2004
Confirmation No. 3338
Inventorship Box et. al
Applicant.....Microsoft Corp.
Group Art Unit.....4121
Examiner Shirley X. Zhang
Attorney's Docket No. MS1-1957US
Title: Open Content Model Web Service Messaging

Formatted: Justified

INTERVIEW AGENDA

FOR DISCUSSION PURPOSES ONLY

To: Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

From: Dale G. Mohlenhoff (Tel. 509-324-9256 x238; Fax 509-323-8979)
Customer No. 22801
Lee & Hayes PLLC
421 W Riverside Avenue, Suite 500
Spokane, WA 99201

REMARKS

Applicant wishes to discuss at least the issues discussed below during a telephonic Examiner interview scheduled for a time to be determined with Examiner Zhang and Supervisor Arani.

In regards to claims 1-3, 5-13, 15-23, 25-33 and 35 rejected under 35 U.S.C. § 102(b) as being anticipated by the published document “Web Services Addressing” authored by Bosworth et al. (Bosworth), Applicant respectfully submits that the Examiner appears to have mistakenly rejected the claims under 102(b) instead of 102(a). The patent application was filed on March 15, 2004 and the Bosworth cited reference was published on March 13, 2003. March 13, 2004 was a Saturday and the MPEP states in Section 706.02(a).II.A. that “where the last day of the year dated from the date of publication falls on a Saturday, Sunday or Federal holiday, the publication is not a statutory bar under 35 U.S.C. §102(b) if the application was filed on the next succeeding business day.” Consequently, the rejection should be a 102(a) rejection instead of a 102(b) rejection. Applicant respectfully requests that the rejection be changed to a 35 U.S.C. §102(a) rejection.

Furthermore, Applicant intends to file a Section 131 Affidavit to swear behind the cited reference (Conversely, Applicant may choose to file a or Section 132 Affidavit to eliminate the reference as prior art). Applicant is currently locating information for drafting the Affidavit.

Applicant thanks Examiner Zhang and Supervisor Arani for agreeing to review the agenda in anticipation of the afore-mentioned impending interview. Again, Applicant submits this paper for discussion purposes only.

Respectfully Submitted,

Dated: March 18, 2008

/Dale Mohlenhoff/
(509) 324-9256